



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

RECEIVED
FEDERAL ELECTION COMMISSION

2019 APR -2 PM 1:25

SENSITIVE

April 2, 2019

MEMORANDUM

TO: The Commission

THROUGH: Alec Palmer *AP by MAH*
Staff Director

FROM: Patricia C. Orrock *PCO*
Chief Compliance Officer

Debbie Chacona *DC*
Assistant Staff Director
Reports Analysis Division

BY: *KDR* Kristin D. Roser/Ben Holly *BH*
Reports Analysis Division
Compliance Branch

SUBJECT: Reason To Believe Recommendation – 2018 Year-End Report for the
Administrative Fine Program

Attached is a list of political committees and their treasurers who failed to file the 2018 Year-End Report in accordance with 52 U.S.C. § 30104(a). The Year-End Report was due on January 31, 2019.

The committees listed in the attached RTB Circulation Report either failed to file the report, filed the report no more than thirty (30) days after the due date (considered a late filed report), or filed the report more than thirty (30) days after the due date (considered a non-filed report). In accordance with the schedule of civil money penalties for reports at 11 C.F.R. 111.43, these committees should be assessed the civil money penalties highlighted on the attached circulation report.

In order to determine the level of activity for unauthorized quarterly filers that filed a Year-End Report and were required to but failed to file the 30 Day Post-General Report, the Reports Analysis Division (RAD) used the following procedures and criteria:

- Every Year-End Report (YE) submitted by an unauthorized quarterly filer that covered the period from October 1, 2018 through December 31, 2018 (92 days) was reviewed for activity which would have required the filing of a 30 Day Post-General Report (30G). If our research indicated that a 30G was required, we utilized a three-step method to arrive at the activity on which to base the YE fine amount. First, we took the sum of all itemized receipts and disbursements that should have been disclosed on a YE that covered the period from November 27, 2018 through December 31, 2018 (35 days). Second, if the committee had any unitemized activity, a per diem level of this activity was calculated by multiplying the total amount of unitemized activity on the report by 38.04% (35 days (correct YE Filing Period)/92 days (submitted YE Filing Period)). Third, we took the sum of the amounts calculated in steps one and two to arrive at the level of activity assigned to the YE.

Recommendation

1. Find reason to believe that the political committees and their treasurers, in their official capacity, listed on the RTB Circulation Report violated 52 U.S.C. § 30104(a) and make a preliminary determination that the civil money penalties would be the amounts indicated on the RTB Circulation Report.
2. Send the appropriate letters.

4/2/2019, 11:29 AM

Federal Election Commission
Reason to Believe Circulation Report
2018 YEAR-END Not Election Sensitive 01/31/2019 H_S_P_UNAUTH

AF#	Committee ID	Committee Name	Candidate Name	Treasurer	Threshold	PV	Receipt Date	Days Late	LOA	RTB Penalty
3684	C00324780	AMERICAN ACADEMY OF EMERGENCY MEDICINE POLITICAL ACTION COMMITTEE AAEM PAC		WILLIAM T. DURKIN, JR.	\$120,048	0	2/8/2019	6	\$10,921	\$182
3685	C00858757	AMERICANS SUPPORTING VETERANS PAC		MARK SLY	\$695,765	0	3/29/2019	57 (Not Filed*)	\$119,609	\$6,541
3687	C00216184	ANESTHESIA SERVICE MEDICAL GROUP ADVOCACY FUND		C. APRIL BOLING	\$117,891	0	2/11/2019	11	\$3,423	\$101

4/2/2019 11:29 AM

AF#	Committee ID	Committee Name	Candidate Name	Treasurer	Threshold	PV	Receipt Date	Days Late	LOA	RTB Penalty
-----	--------------	----------------	----------------	-----------	-----------	----	--------------	-----------	-----	-------------

Page 2 of 3

4/2/2019 11:29 AM

AF#	Committee ID	Committee Name	Candidate Name	Treasurer	Threshold	PV	Receipt Date	Days Late	LOA	RTB Penalty
-----	--------------	----------------	----------------	-----------	-----------	----	--------------	-----------	-----	-------------

* The committees filed their report more than thirty (30) days after the due date; therefore, the report is considered not filed.

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
Reason To Believe Recommendation - 2018)
Year-End Report for the Administrative)
Fine Program:)

AMERICAN ACADEMY OF) AF# 3664
EMERGENCY MEDICINE POLITICAL)
ACTION COMMITTEE AAEM PAC, and)
DR. WILLIAM T DURKIN, JR as)
treasurer;)
AMERICANS SUPPORTING VETERANS) AF# 3665
PAC, and SLY, MARK as treasurer;)

ANESTHESIA SERVICE MEDICAL) AF# 3667
GROUP ADVOCACY FUND, and C)
APRIL BOLING as treasurer;)

[illegible]

THE UNIVERSITY OF CHICAGO

100

1-800-272-6272

CERTIFICATION

I, Laura E. Sinram, Deputy Secretary of the Federal Election Commission, do hereby certify that on April 05, 2019 the Commission took the following actions on the Reason To Believe Recommendation - 2018 Year-End Report for the Administrative Fine Program as recommended in the Reports Analysis Division's Memorandum dated April 02, 2019, on the following committees:

AF#3664 Decided by a vote of 4-0 to: (1) find reason to believe that AMERICAN ACADEMY OF EMERGENCY MEDICINE POLITICAL ACTION COMMITTEE AAEM PAC, and DR. WILLIAM T DURKIN, JR in his official capacity as treasurer violated 52 U.S.C. 30104(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Hunter, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#3665 Decided by a vote of 4-0 to: (1) find reason to believe that AMERICANS SUPPORTING VETERANS PAC, and SLY, MARK in his official capacity as treasurer violated 52 U.S.C. 30104(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Hunter, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#3667 Decided by a vote of 4-0 to: (1) find reason to believe that ANESTHESIA SERVICE MEDICAL GROUP ADVOCACY FUND, and C APRIL BOLING in her official capacity as treasurer violated 52 U.S.C. 30104(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Hunter, Petersen, Walther, and Weintraub voted affirmatively for the decision.

Page 6

Page 6

Introduction

100

WINDMILL

TODONATIONS

•
•
•

[illegible]

ii

**Federal Election Commission
Certification for Administrative Fines
April 5, 2019**

[illegible][illegible]

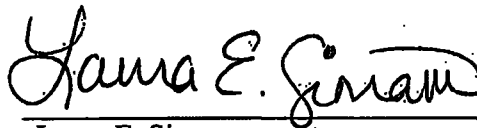
Federal Election Commission
Certification for Administrative Fines
April 5, 2019

Page 13

Attest:

4/5/19

Date



Laura E. Sinram

Deputy Secretary of the Commission



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

April 8, 2019

William T. Durkin, Jr., in official capacity as Treasurer
American Academy of Emergency Medicine Political Action Committee AAEM PAC
555 East Wells Street, Suite 1100
Milwaukee, WI 53202

C00324780
AF#: 3664

Dear Mr. Durkin:

The Federal Election Campaign Act of 1971, as amended ("the Act"), requires that your committee file a Year-End Report of Receipts and Disbursements every calendar year. This report, covering the period November 27, 2018 through December 31, 2018, shall be filed no later than January 31, 2019. 52 U.S.C. § 30104(a). Records at the Federal Election Commission ("FEC") indicate that this report was filed on February 6, 2019, 6 days late.

The Act permits the FEC to impose civil money penalties for violations of the reporting requirements of 52 U.S.C. § 30104(a). 52 U.S.C. § 30109g(a)(4). On April 5, 2019, the FEC found that there is reason to believe ("RTB") that American Academy of Emergency Medicine Political Action Committee AAEM PAC and you, in your official capacity as treasurer, violated 52 U.S.C. § 30104(a) by failing to file timely this report on or before January 31, 2019. Based on the FEC's schedules of civil money penalties at 11 CFR § 111.43, the amount of your civil money penalty calculated at the RTB stage is \$182. Please see the attached copy of the Commission's administrative fine regulations at 11 CFR §§ 111.30-111.55. Attachment 1. The Commission's website contains further information about how the administrative fine program works and how the fines are calculated. See <https://www.fec.gov/af/pay.shtml> 11 CFR § 111.34. Your payment of \$182 is due within forty (40) days of the finding, or by May 15, 2019, and is based on these factors:

Election Sensitivity of Report: Not Election Sensitive
Level of Activity: \$10,921
Number of Days Late: 6
Number of Previous Civil Money Penalties Assessed: 0

At this juncture, the following courses of action are available to you:

- 1. If You Choose to Challenge the RTB Finding and/or Civil Money Penalty**

If you should decide to challenge the RTB finding and/or calculated civil money penalty, you must submit a written response to the FEC's Office of Administrative Review, 1050 First Street, NE, Washington, DC 20002. Your response must include the AF# (found at the top of page 1 under your committee's identification number) and be received within forty (40) days of the Commission's RTB finding, or May 15, 2019. 11 CFR § 111.35(a). Your written response must include the reason(s) why you are challenging the RTB finding and/or calculated civil money penalty, and must include the factual basis supporting the reason(s) and supporting documentation. The FEC strongly encourages that documents be submitted in the form of affidavits or declarations. 11 CFR § 111.36(c).

The FEC will only consider challenges that are based on at least one of three grounds: (1) a factual error in the RTB finding; (2) miscalculation of the calculated civil money penalty by the FEC; or (3) your demonstrated use of best efforts to file in a timely manner when prevented from doing so by reasonably unforeseen circumstances that were beyond your control. 11 CFR § 111.35(b). In order for a challenge to be considered on the basis of best efforts, you must have filed the required report no later than 24 hours after the end of these reasonably unforeseen circumstances. *Id.* Examples of circumstances that will be considered reasonably unforeseen and beyond your control include, but are not limited to: (1) a failure of Commission computers or Commission-provided software despite your seeking technical assistance from Commission personnel and resources; (2) a widespread disruption of information transmissions over the Internet that is not caused by a failure of the Commission's or your computer systems or Internet service provider; and (3) severe weather or other disaster-related incident. 11 CFR § 111.35(c). Examples of circumstances that will not be considered reasonably unforeseen and beyond your control include, but are not limited to: (1) negligence; (2) delays caused by vendors or contractors; (3) treasurer and staff illness, inexperience or unavailability; (4) committee computer, software, or Internet service provider failures; (5) failure to know filing dates; and (6) failure to use filing software properly. 11 CFR § 111.35(d).

The "failure to raise an argument in a timely fashion during the administrative process shall be deemed a waiver" of your right to present such argument in a petition to the U.S. District Court under 52 U.S.C. § 30109. 11 CFR § 111.38.

If you intend to be represented by counsel, please advise the Office of Administrative Review. You should provide, in writing, the name, address and telephone number of your counsel and authorize counsel to receive notifications and communications relating to this challenge and imposition of the calculated civil money penalty.

2. If You Choose Not to Pay the Civil Money Penalty and Not to Submit a Challenge

If you do not pay the calculated civil money penalty and do not submit a written response, the FEC will assume that the preceding factual allegations are true and make a final determination that American Academy of Emergency Medicine Political Action Committee AAEM PAC and you, in your official capacity as treasurer, violated 52 U.S.C. § 30104(a) and assess a civil money penalty.

Unpaid civil money penalties assessed through the Administrative Fine regulations will be subject to the Debt Collection Act of 1982 ("DCA"), as amended by the Debt Collection

Improvement Act of 1996, 31 U.S.C. § 3701 *et seq.* The FEC may take any and all appropriate action authorized and required by the DCA, as amended, including transfer to the U.S. Department of the Treasury for collection. 11 CFR § 111.51(a)(2).

3. If You Choose to Pay the Civil Money Penalty

If you should decide to pay the calculated civil money penalty, follow the payment instructions on page 4 of this letter. Upon receipt of your payment, the FEC will send you a final determination letter.

NOTICE REGARDING PARTIAL PAYMENTS AND SETTLEMENT OFFERS

4. Partial Payments

If you make a payment in an amount less than the calculated civil money penalty, the amount of your partial payment will be credited towards the full civil money penalty that the Commission assesses upon making a final determination.

5. Settlement Offers

Any offer to settle or compromise a debt owed to the Commission, including a payment in an amount less than the calculated civil money penalty assessed or any restrictive endorsements contained on your check or money order or proposed in correspondence transmitted with your check or money order, will be rejected. Acceptance and deposit or cashing of such a restricted payment does not constitute acceptance of the settlement offer. Payments containing restrictive endorsements will be deposited and treated as a partial payment towards the civil money penalty that the Commission assesses upon making a final determination. All unpaid civil money penalty amounts remaining will be subject to the debt collection procedures set forth in Section 2, above.

This matter was generated based on information ascertained by the FEC in the normal course of carrying out its supervisory responsibilities. 52 U.S.C. § 30109(a)(2). Unless you notify the FEC in writing that you wish the matter to be made public, it will remain confidential in accordance with 52 U.S.C. § 30109(a)(4)(B) and 30109(a)(12)(A) until it is placed on the public record at the conclusion of this matter in accordance with 11 CFR § 111.42.

As noted earlier, you may obtain additional information on the FEC's administrative fine program, including the final regulations, on the FEC's website at <https://www.fec.gov/af/pay.shtml>. If you have questions regarding the payment of the calculated civil money penalty, please contact Ben Holly in the Reports Analysis Division at our toll free number (800) 424-9530 (at the prompt press 5) or (202) 694-1130. If you have questions regarding the submission of a challenge, please contact the Office of Administrative Review at our toll free number (800) 424-9530 (press 0, then ext. 1158) or (202) 694-1158.

On behalf of the Commission,



Ellen L. Weintraub
Chair

ADMINISTRATIVE FINE REMITTANCE & PAYMENT INSTRUCTIONS

In accordance with the schedule of penalties at 11 CFR § 111.43, the amount of your civil money penalty calculated at RTB is \$182 for the 2018 Year-End Report.

You may remit payment by ACH withdrawal from your bank account, or by debit or credit card through Pay.gov, the federal government's secure portal for online collections. Visit www.fec.gov/af/pay.shtml to be directed to Pay.gov's Administrative Fine Program Payment form.

This penalty may also be paid by check or money order, made payable to the Federal Election Commission. It should be sent by mail to:

Federal Election Commission
P.O. Box 979058
St. Louis, MO 63197-9000

If you choose to send your payment by courier or overnight delivery, please send to:

U.S. Bank - Government Lockbox
FEC #979058
1005 Convention Plaza
Attn: Government Lockbox, SL-MO-C2GL
St. Louis, MO 63101

PAYMENTS BY PERSONAL CHECK

Personal checks will be converted into electronic funds transfers (EFTS). Your account will be electronically debited for the amount on your check, usually within 24 hours, and the debit will appear on your regular statement. We will destroy your original check and keep a copy of it. In case the EFT cannot be processed for technical reasons, you authorize us to process the copy in lieu of the original check. Should the EFT not be completed because of insufficient funds, we may try to make the transfer twice.

PLEASE DETACH AND RETURN THE PORTION BELOW WITH YOUR PAYMENT

FOR: American Academy of Emergency Medicine Political Action Committee AAEM PAC

FEC ID#: C00324780

AF#: 3664

PAYMENT DUE DATE: May 15, 2019

PAYMENT AMOUNT DUE: \$182



OFFICERS

DAVID A. FARCY, MD FCCM
President
Miami Beach, FL

LISA MORENO-WALTON, MD MS MSCR
President-Elect
New Orleans, LA

JONATHAN S. JONES, MD
Secretary-Treasurer
Jackson, MS

MARK REITER, MD MBA
Immediate Past President
Brentwood, TN

HOWARD BLUMSTEIN, MD
Past Presidents Council Representative
Winston-Salem, NC

BOARD OF DIRECTORS

KEVIN BEIER, MD
Brentwood, TN

ROBERT FROLICHSTEIN, MD
San Antonio, TX

MEGAN HEALY, MD
Philadelphia, PA

BOBBY KAPUR, MD MPH
Miami, FL

EVE MARCOLINI, MD FCCM
Branford, CT

TERRENCE MULLIGAN, DO MPH
Baltimore, MD

BRIAN POTTS, MD MBA
Oakland, CA

THOMAS TOBIN, MD MBA
Spokane, WA

YPS DIRECTOR

JENNIFER KANAPICKI COMER, MD
Emerald Hills, CA

AAEM/RSA PRESIDENT

MOHAMMEDMOIZ QURESHI, MD
Harrisburg, PA

EDITOR, JEM

EX-OFFICIO BOARD MEMBER

STEPHEN R. HAYDEN, MD
San Diego, CA

EDITOR, COMMON SENSE

EX-OFFICIO BOARD MEMBER

ANDY MAYER, MD
New Orleans, LA

EXECUTIVE DIRECTOR

KAY WHALEN, MBA CAE

ASSOCIATE EXECUTIVE DIRECTOR

JANET WILSON, CAE

April 12, 2019

Federal Election Commission
Office of Administrative Review
1050 First Street NE
Washington, DC 20002

RE: AF#: 3664

To Whom it May Concern,

We hereby request the abatement of the civil money penalty imposed by the Federal Election Commission in the amount of \$182.

This request is based on our demonstrated efforts to file in a timely manner. Due to the federal government shutdown, our organization was prevented from doing so by reasonably unforeseen circumstances that were beyond our control.

Attached to this letter you will find documented evidence of our attempts to deliver the year-end return to your office via FedEx. The first document from FedEx (tracking number 738084228574) shows the initial return was sent from our office on January 18, 2019. The package arrived in Washington, DC and the first attempted delivery was on January 21, 2019. FedEx then attempted to deliver the package for five consecutive days between January 21 and January 25, 2019. The package was delivered back to our office on January 31, 2019. Please refer to the attachment for tracking number 467090833047.

Upon realizing that the package was returned to us, it was immediately resent on February 4, 2019 via FedEx (tracking number 738084229559).

Based on the circumstantial evidence provided, please abate the aforementioned penalty imposed to our organization.

Sincerely,

Kay Whalen
Executive Director

AMERICAN ACADEMY OF EMERGENCY MEDICINE
555 East Wells Street, Suite 1100, Milwaukee, WI 53202-3823
(800) 884-2236 • info@aaem.org • www.aaem.org



Unable to deliver shipment, returned to shipper

Recommended action: No action is required. The package is being returned to the shipper.

No scheduled delivery date available at this time.

Scheduled delivery:
Pending



DELIVERY EXCEPTION
WASHINGTON, DC

GET STATUS UPDATES

FROM
MILWAUKEE, WI US

TO
WASHINGTON, DC US

Shipment Facts

TRACKING NUMBER
738084228574

SERVICE
FedEx Express Saver

WEIGHT
0.5 lbs / 0.23 kgs

TOTAL PIECES
1

TOTAL SHIPMENT WEIGHT
0.5 lbs / 0.23 kgs

TERMS
Third Party

DEPARTMENT NUMBER
Ellenberger

PACKAGING
FedEx Envelope

SPECIAL HANDLING SECTION
Deliver Weekday

STANDARD TRANSIT
 1/23/2019 by 4:30 pm

SHIP DATE
 Fri 1/18/2019

SCHEDULED DELIVERY
Pending

Travel History

Local Scan Time

Saturday, 1/26/2019

11:25 am

WASHINGTON, DC

Returning package to shipper

Return tracking number 467090833047

Friday, 1/25/2019

4/12/2019

Track your package or shipment with FedEx Tracking

2:43 pm	WASHINGTON, DC	At local FedEx facility
1:49 pm	WASHINGTON, DC	At local FedEx facility
9:32 am	WASHINGTON, DC	Delivery exception Customer not available or business closed
8:28 am	WASHINGTON, DC	On FedEx vehicle for delivery
7:34 am	WASHINGTON, DC	At local FedEx facility
Thursday, 1/24/2019		
4:19 pm	WASHINGTON, DC	At local FedEx facility
4:09 pm	WASHINGTON, DC	At local FedEx facility
10:40 am	WASHINGTON, DC	Delivery exception Customer not available or business closed
8:32 am	WASHINGTON, DC	On FedEx vehicle for delivery
7:43 am	WASHINGTON, DC	At local FedEx facility
Wednesday, 1/23/2019		
7:55 pm	WASHINGTON, DC	At local FedEx facility
3:50 pm	WASHINGTON, DC	Delivery exception Incorrect address - Recipient moved
6:23 am	WASHINGTON, DC	At local FedEx facility
Tuesday, 1/22/2019		
3:33 pm	WASHINGTON, DC	At local FedEx facility
3:02 pm	WASHINGTON, DC	At local FedEx facility
9:28 am	WASHINGTON, DC	Delivery exception Customer not available or business closed
8:56 am	WASHINGTON, DC	On FedEx vehicle for delivery
Monday, 1/21/2019		
10:50 am	WASHINGTON, DC	At local FedEx facility
9:51 am	WASHINGTON, DC	Delivery exception Business closed - No delivery attempt
7:37 am	WASHINGTON, DC	At local FedEx facility
Sunday, 1/20/2019		
6:33 pm	DULLES, VA	At destination sort facility
3:49 pm	MEMPHIS, TN	Departed FedEx location
Saturday, 1/19/2019		
11:06 am	MEMPHIS, TN	Arrived at FedEx location
Friday, 1/18/2019		
4:55 pm	MILWAUKEE, WI	Picked up
12:07 pm		Shipment information sent to FedEx



Delivered
Thursday 1/31/2019 at 2:38 pm

**DELIVERED**

Signed for by: C.SZYM CZACK

GET STATUS UPDATES
OBTAIN PROOF OF DELIVERY

FROM
WASHINGTON, DC US

TO
MILWAUKEE, WI US

Shipment Facts

TRACKING NUMBER
467090833047

SERVICE
FedEx Express Saver

WEIGHT
1 lbs / 0.45 kgs

DELIVERED TO
Mailroom

TOTAL PIECES
1

TOTAL SHIPMENT WEIGHT
1 lbs / 0.45 kgs

TERMS
Recipient

SHIPPER REFERENCE
738084228574

PACKAGING
FedEx Pak

SPECIAL HANDLING SECTION
Deliver Weekday, Saturday Pickup

STANDARD TRANSIT
1/30/2019 by 4:30 pm

SHIP DATE
Sat 1/26/2019

ACTUAL DELIVERY
Thu 1/31/2019 2:38 pm

Travel History

Local Scan Time



Thursday, 1/31/2019

2:38 pm

MILWAUKEE, WI

Delivered

5:45 am

MILWAUKEE, WI

At local FedEx facility

Wednesday, 1/30/2019

8:55 am

MILWAUKEE, WI

At local FedEx facility

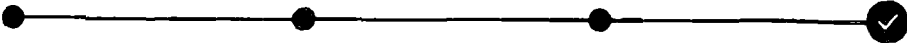
4/12/2019

Track your package or shipment with FedEx Tracking

8:22 am	MILWAUKEE, WI	At local FedEx facility
Tuesday, 1/29/2019		
10:01 am	MILWAUKEE, WI	At local FedEx facility
Monday, 1/28/2019		
9:30 am	MILWAUKEE, WI	At local FedEx facility
9:05 am	MILWAUKEE, WI	At local FedEx facility Package not due for delivery
6:59 am	MILWAUKEE, WI	At local FedEx facility
Sunday, 1/27/2019		
5:59 pm	MILWAUKEE, WI	At destination sort facility
4:25 pm	MEMPHIS, TN	Departed FedEx location
Saturday, 1/26/2019		
7:13 pm	WASHINGTON, DC	Left FedEx origin facility
11:25 am	WASHINGTON, DC	Picked up
10:42 am		Shipment information sent to FedEx



Delivered
Wednesday 2/06/2019 at 10:23 am



DELIVERED
Signed for by: D.MARCH

GET STATUS UPDATES
OBTAIN PROOF OF DELIVERY

FROM
MILWAUKEE, WI US

TO
U S GOVERNMENT OFFICES, DC US

Shipment Facts

TRACKING NUMBER 738084229559	SERVICE FedEx Express Saver	WEIGHT 0.5 lbs / 0.23 kgs
DELIVERED TO Receptionist/Front Desk	TOTAL PIECES 1	TOTAL SHIPMENT WEIGHT 0.5 lbs / 0.23 kgs
TERMS Third Party	PACKAGING FedEx Envelope	SPECIAL HANDLING SECTION Deliver Weekday
STANDARD TRANSIT 2/07/2019 by 4:30 pm	SHIP DATE Mon 2/04/2019	ACTUAL DELIVERY Wed 2/06/2019 10:23 am

Travel History

Wednesday, 2/06/2019		
10:23 am	U S GOVERNMENT OFFICES, DC	Delivered
8:30 am	WASHINGTON, DC	On FedEx vehicle for delivery
7:38 am	WASHINGTON, DC	At local FedEx facility
5:29 am	DULLES, VA	At destination sort facility
3:00 am	MEMPHIS, TN	Departed FedEx location

Tuesday, 2/05/2019

Local Scan Time

4/12/2019

Track your package or shipment with FedEx Tracking

11:00 am

MEMPHIS, TN

Arrived at FedEx location

Monday, 2/04/2019

9:05 pm

MILWAUKEE, WI

Left FedEx origin facility

4:55 pm

MILWAUKEE, WI

Picked up

1:02 pm

Shipment information sent to FedEx

Subpart B—Administrative Fines

SOURCE: 65 FR 31794, May 19, 2000, unless otherwise noted.

§111.30 When will subpart B apply?

Subpart B applies to violations of the reporting requirements of 52 U.S.C. 30104(a) committed by political committees and their treasurers that relate to the reporting periods that begin on or after July 14, 2000, and that end on or before the date specified by 52 U.S.C. 30109(a)(4)(C)(v). This subpart, however, does not apply to reports that relate to reporting periods that end between January 1, 2014, and January 21, 2014.

[79 FR 3303, Jan. 21, 2014, as amended at 79 FR 77848, Dec. 29, 2014]

§111.31 Does this subpart replace subpart A of this part for violations of the reporting requirements of 52 U.S.C. 30104(a)?

(a) No; §§111.1 through 111.8 and 111.20 through 111.24 shall apply to all compliance matters. This subpart will apply, rather than §§111.9 through 111.19, when the Commission, on the basis of information ascertained by the Commission in the normal course of carrying out its supervisory responsibilities, and when appropriate, determines that the compliance matter should be subject to this subpart. If the Commission determines that the violation should not be subject to this subpart, then the violation will be subject to all sections of subpart A of this part.

(b) Subpart B will apply to compliance matters resulting from a complaint filed pursuant to 11 CFR 111.4 through 111.7 if the complaint alleges a violation of 52 U.S.C. 30104(a). If the complaint alleges violations of any other provision of any statute or regulation over which the Commission has jurisdiction, subpart A will apply to the alleged violations of these other provisions.

[65 FR 31794, May 19, 2000, as amended at 79 FR 77848, Dec. 29, 2014]

§111.32 How will the Commission notify respondents of a reason to believe finding and a proposed civil money penalty?

If the Commission determines, by an affirmative vote of at least four (4) of its members, that it has reason to believe that a respondent has violated 52 U.S.C. 30104(a), the Chairman or Vice-Chairman shall notify such respondent of the Commission's finding. The written notification shall set forth the following:

(a) The alleged factual and legal basis supporting the finding including the type of report that was due, the filing deadline, the actual date filed (if filed), and the number of days the report was late (if filed);

(b) The applicable schedule of penalties;

(c) The number of times the respondent has been assessed a civil money penalty under this subpart during the current two-year election cycle and the prior two-year election cycle;

(d) The amount of the proposed civil money penalty based on the schedules of penalties set forth in 11 CFR 111.43 or 111.44; and

(e) An explanation of the respondent's right to challenge both the reason to believe finding and the proposed civil money penalty.

[65 FR 31794, May 19, 2000, as amended at 79 FR 77848, Dec. 29, 2014]

(4) Committee computer, software or Internet service provider failures;

(5) A committee's failure to know filing dates; and

(6) A committee's failure to use filing software properly.

(e) Respondent's written response must detail the factual basis supporting its challenge and include supporting documentation.

[72 FR 14667, Mar. 29, 2007]

§111.36 Who will review the respondent's written response?

(a) A reviewing officer shall review the respondent's written response. The reviewing officer shall be a person who has not been involved in the reason to believe finding.

(b) The reviewing officer shall review the reason to believe finding with supporting documentation and the respondent's written response with supporting documentation. The reviewing officer may request supplemental information from the respondent and/or the Commission staff. The respondent shall submit the supplemental information to the reviewing officer within a time specified by the reviewing officer. The reviewing officer will be entitled to draw an adverse inference from the failure by the respondent to submit the supplemental information.

(c) All documents required to be submitted by the respondents pursuant to this section and §111.35 should be submitted in the form of affidavits or declarations.

(d) If the Commission staff, after the respondent files a written response pursuant to §111.35, forwards any additional documents pertaining to the matter to the reviewing officer for his or her examination, the reviewing officer shall also furnish a copy of the document(s) to the respondents.

(e) Upon completion of the review, the reviewing officer shall forward a written recommendation to the Commission along with all documents required under this section and 11 CFR 111.32 and 111.35.

(f) The reviewing office shall also forward a copy of the recommendation to the respondent. The respondent may file with the Commission Secretary a written response to the recommendation within ten (10) days of transmittal of the recommendation. This response may not raise any arguments not raised in the respondent's original written response or not directly responsive to the reviewing officer's recommendation.

§111.37 What will the Commission do once it receives the respondent's written response and the reviewing officer's recommendation?

(a) If the Commission, after having found reason to believe and after reviewing the respondent's written response and the reviewing officer's recommendation, determines by an affirmative vote of at least four (4) of its members, that the respondent has violated 52 U.S.C. 30104(a) and the amount of the civil money penalty, the Commission shall authorize the reviewing officer to notify the respondent by letter of its final determination.

(b) If the Commission, after reviewing the reason to believe finding, the respondent's written response, and the reviewing officer's written recommendation, determines by an affirmative vote of at least four (4) of its members, that no violation has occurred (either because the Commission had based its reason to believe finding on a factual error or because the respondent used best efforts to file in a timely manner) or otherwise terminates its proceedings, the Commission shall authorize the reviewing officer to notify the respondent by letter of its final determination.

(c) The Commission will modify the proposed civil money penalty only if the respondent is able to demonstrate that the amount of the proposed civil money penalty was calculated on an incorrect basis.

§111.42 Will the enforcement file be made available to the public?

(a) Yes; the Commission shall make the enforcement file available to the public.

(b) If neither the Commission nor the respondent commences a civil action, the Commission shall make the enforcement file available to the public pursuant to 11 CFR 4.4(a)(3).

(c) If a civil action is commenced, the Commission shall make the enforcement file available pursuant to 11 CFR 111.20(c).

§111.43 What are the schedules of penalties?

(a) The civil money penalty for all reports that are filed late or not filed, except election sensitive reports and pre-election reports under 11 CFR 104.5, shall be calculated in accordance with the following schedule of penalties:

Table 1 to paragraph (a)

If the level of activity in the report was:	And the report was filed late, the civil money penalty is:	Or the report was not filed, the civil money penalty is:
\$1-4,999.99 ^a	$[\$35 + (\$6 \times \text{Number of days late})] \times [1 + (.25 \times \text{Number of previous violations})]$	$\$341 \times [1 + (.25 \times \text{Number of previous violations})]$
\$5,000-9,999.99	$[\$68 + (\$6 \times \text{Number of days late})] \times [1 + (.25 \times \text{Number of previous violations})]$	$\$410 \times [1 + (.25 \times \text{Number of previous violations})]$
\$10,000-24,999.99	$[\$146 + (\$6 \times \text{Number of days late})] \times [1 + (.25 \times \text{Number of previous violations})]$	$\$684 \times [1 + (.25 \times \text{Number of previous violations})]$
\$25,000-49,999.99	$[\$290 + (\$28 \times \text{Number of days late})] \times [1 + (.25 \times \text{Number of previous violations})]$	$\$1230 \times [1 + (.25 \times \text{Number of previous violations})]$
\$50,000-74,999.99	$[\$437 + (\$110 \times \text{Number of days late})] \times [1 + (.25 \times \text{Number of previous violations})]$	$\$3925 \times [1 + (.25 \times \text{Number of previous violations})]$
\$75,000-99,999.99	$[\$581 + (\$146 \times \text{Number of days late})] \times [1 + (.25 \times \text{Number of previous violations})]$	$\$5086 \times [1 + (.25 \times \text{Number of previous violations})]$
\$100,000-149,999.99	$[\$871 + (\$182 \times \text{Number of days late})] \times [1 + (.25 \times \text{Number of previous violations})]$	$\$6541 \times [1 + (.25 \times \text{Number of previous violations})]$
\$150,000-199,999.99	$[\$1164 + (\$217 \times \text{Number of days late})] \times [1 + (.25 \times \text{Number of previous violations})]$	$\$7994 \times [1 + (.25 \times \text{Number of previous violations})]$

\$5,000-\$9,999.99	$[\$137 + (\$13 \times \text{Number of days late})] \times [1 + (.25 \times \text{Number of previous violations})]$	$\$820 \times [1 + (.25 \times \text{Number of previous violations})]$
\$10,000-24,999.99	$[\$205 + (\$13 \times \text{Number of days late})] \times [1 + (.25 \times \text{Number of previous violations})]$	$\$1230 \times [1 + (.25 \times \text{Number of previous violations})]$
\$25,000-49,999.99	$[\$437 + (\$35 \times \text{Number of days late})] \times [1 + (.25 \times \text{Number of previous violations})]$	$\$1913 \times [1 + (.25 \times \text{Number of previous violations})]$
\$50,000-74,999.99	$[\$654 + (\$110 \times \text{Number of days late})] \times [1 + (.25 \times \text{Number of previous violations})]$	$\$4360 \times [1 + (.25 \times \text{Number of previous violations})]$
\$75,000-99,999.99	$[\$871 + (\$146 \times \text{Number of days late})] \times [1 + (.25 \times \text{Number of previous violations})]$	$\$5813 \times [1 + (.25 \times \text{Number of previous violations})]$
\$100,000-149,999.99	$[\$1308 + (\$182 \times \text{Number of days late})] \times [1 + (.25 \times \text{Number of previous violations})]$	$\$7267 \times [1 + (.25 \times \text{Number of previous violations})]$
\$150,000-199,999.99	$[\$1744 + (\$217 \times \text{Number of days late})] \times [1 + (.25 \times \text{Number of previous violations})]$	$\$8719 \times [1 + (.25 \times \text{Number of previous violations})]$
\$200,000-249,999.99	$[\$2181 + (\$254 \times \text{Number of days late})] \times [1 + (.25 \times \text{Number of previous violations})]$	$\$10,901 \times [1 + (.25 \times \text{Number of previous violations})]$
\$250,000-349,999.99	$[\$3270 + (\$290 \times \text{Number of days late})] \times [1 + (.25 \times \text{Number of previous violations})]$	$\$13,080 \times [1 + (.25 \times \text{Number of previous violations})]$
\$350,000-449,999.99	$[\$4360 + (\$290 \times \text{Number of days late})] \times [1 + (.25 \times \text{Number of previous violations})]$	$\$14,535 \times [1 + (.25 \times \text{Number of previous violations})]$
\$450,000-549,999.99	$[\$5450 + (\$290 \times \text{Number of days late})] \times [1 + (.25 \times \text{Number of previous violations})]$	$\$15,987 \times [1 + (.25 \times \text{Number of previous violations})]$
\$550,000-649,999.99	$[\$6541 + (\$290 \times \text{Number of days late})] \times [1 + (.25 \times \text{Number of previous violations})]$	$\$17,440 \times [1 + (.25 \times \text{Number of previous violations})]$
\$650,000-749,999.99	$[\$7630 + (\$290 \times \text{Number of days late})] \times [1 + (.25 \times \text{Number of previous violations})]$	$\$18,895 \times [1 + (.25 \times \text{Number of previous violations})]$
\$750,000-849,999.99	$[\$8719 + (\$290 \times \text{Number of days late})] \times [1 + (.25 \times \text{Number of previous violations})]$	$\$20,347 \times [1 + (.25 \times \text{Number of previous violations})]$
\$850,000-949,999.99	$[\$9810 + (\$290 \times \text{Number of days late})] \times [1 + (.25 \times \text{Number of previous violations})]$	$\$21,799 \times [1 + (.25 \times \text{Number of previous violations})]$
\$950,000 or over	$[\$10,901 + (\$290 \times \text{Number of days late})] \times [1 + (.25 \times \text{Number of previous violations})]$	$\$23,254 \times [1 + (.25 \times \text{Number of previous violations})]$

^aThe civil money penalty for a respondent who does not have any previous violations will not exceed the level of activity in the report.

(c) If the respondent fails to file a required report and the Commission cannot calculate the level of activity under paragraph (d) of this section, then the civil money penalty shall be \$7,994.

(d) Definitions. For this section only, the following definitions will apply:

(1) Election Sensitive Reports means third quarter reports due on October 15th before the general election (for all committees required to file this report except committees of candidates who do

election for pre-special election reports or prior to four (4) days before the general election for all other election sensitive reports.

[65 FR 31794, May 19, 2000, as amended at 68 FR 12577, Mar. 17, 2003; 70 FR 34636, June 15, 2005; 74 FR 31348, July 1, 2009; 74 FR 37161, July 28, 2009; 78 FR 44421, July 24, 2013; 81 FR 41199, June 24, 2016; 82 FR 8987, Feb. 2, 2017; 82 FR 61141, Dec. 27, 2017; 83 FR 66597, Dec. 27, 2018]

§111.44 What is the schedule of penalties for 48-hour notices that are not filed or are filed late?

(a) If the respondent fails to file timely a notice regarding contribution(s) received after the 20th day but more than 48 hours before the election as required under 52 U.S.C. 30104(a)(6), the civil money penalty will be calculated as follows:

(1) Civil money penalty = \$146 + (.10 × amount of the contribution(s) not timely reported).

(2) The civil money penalty calculated in paragraph (a)(1) of this section shall be increased by twenty-five percent (25%) for each prior violation.

(b) For purposes of this section, prior violation means a final civil money penalty that has been assessed against the respondent under this subpart in the current two-year election cycle or the prior two-year election cycle.

[65 FR 31794, May 19, 2000, as amended at 70 FR 34636, June 15, 2005; 74 FR 31349, July 1, 2009; 79 FR 77848, Dec. 29, 2014; 81 FR 41200, June 24, 2016; 82 FR 8989, Feb. 2, 2017; 82 FR 61143, Dec. 27, 2017; 83 FR 66599, Dec. 27, 2018]

§111.45 [Reserved]

§111.46 How will the respondent be notified of actions taken by the Commission and the reviewing officer?

If a statement designating counsel has been filed in accordance with 11 CFR 111.23, all notifications and other communications to a respondent provided for in subpart B of this part will be sent to designated counsel. If a statement designating counsel has not been filed, all notifications and other communications to a respondent provided for in subpart B of this part will be sent to respondent political committee and its treasurer at the political committee's address as listed in the most recent Statement of Organization, or amendment thereto, filed with the Commission in accordance with 11 CFR 102.2.

[68 FR 12580, Mar. 17, 2003]

Subpart C—Collection of Debts Arising From Enforcement and Administration of Campaign Finance Laws

SOURCE: 75 FR 19876, Apr. 16, 2010; unless otherwise noted.

§111.50 Purpose and scope.

Subpart C prescribes standards and procedures under which the Commission will collect and dispose of certain debts owed to the United States, as described in 11 CFR 111.51. The regulations in this subpart implement the Debt Collection Improvement Act of 1996, 31 U.S.C. 3701, 3711, and 3716-3720A, as amended; and the Federal Claims Collection Standards, 31 CFR parts 900-904. The activities covered include: The collection of claims of any amount; compromising claims; suspending or terminating the collection of claims; and referring debts to the U.S. Department of the Treasury for collection action.

§111.51 Debts that are covered.

- (1) Is in litigation or foreclosure;
- (2) Will be disposed of under an approved asset sale program;
- (3) Has been referred to a private collection contractor for a period of time acceptable to the U.S. Department of the Treasury; or
- (4) Will be collected under internal offset procedures within three years after the debt first became delinquent.
- (d) The U.S. Department of the Treasury is authorized to charge a fee for services rendered regarding referred or transferred debts. The Commission will add the fee to the debt as an administrative cost, in accordance with 11 CFR 111.55.

§111.53 Litigation by the Commission.

Nothing in this subpart C precludes the Commission from filing suit in the appropriate court to enforce compliance with a conciliation agreement under 52 U.S.C. 30109(a)(5)(D), seek a civil money penalty under 52 U.S.C. 30109(a)(6), petition the court for a contempt order under 52 U.S.C. 30109(a)(11), or otherwise exercise its authority to enforce or administer the statutes specified in 11 CFR 111.51(a).

[75 FR 19876, Apr. 16, 2010, as amended at 79 FR 77848, Dec. 29, 2014]

§111.54 Bankruptcy claims.

When the Commission learns that a bankruptcy petition has been filed by a debtor, before proceeding with further collection action, the Commission will take any necessary action in accordance with the provision of 31 CFR 901.2(h).

§111.55 Interest, penalties, and administrative costs.

- (a) The Commission shall assess interest, penalties, and administrative costs on debts owed to the United States Government, pursuant to 31 U.S.C. 3717. Interest, penalties, and administrative costs will be assessed in accordance with 31 CFR 901.9.
- (b) The Commission shall waive collection of interest and administrative costs on a debt or any portion of the debt that is paid within thirty days after the date on which the interest begins to accrue.
- (c) The Commission may waive collection of interest, penalties, and administrative costs if it:
- (1) Determines that collection is against equity and good conscience or not in the best interest of the United States, including when an administrative offset or installment agreement is in effect; or
 - (2) Determines that waiver is appropriate under the criteria for compromise of debts set forth at 31 CFR 902.2(a).
- (d) The Commission is authorized to impose interest and related charges on debts not subject to 31 U.S.C. 3717, in accordance with common law.



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

June 12, 2019

**REVIEWING OFFICER RECOMMENDATION
OFFICE OF ADMINISTRATIVE REVIEW ("OAR")**

AF# 3664 – American Academy of Emergency Medicine Political Action Committee AAEM PAC
and Dr. William T. Durkin, Jr., in his official capacity as Treasurer (C00324780)

Summary of Recommendation

Terminate the proceedings in accordance with 11 C.F.R. § 111.37(b) and close the file.

Reason-to-Believe Background

The 2018 Year-End Report was due on January 31, 2019. The Commission received the report on February 6, 2019, 6 days late. The report is not election sensitive and was filed within 30 days of the due date; therefore, the report is considered late. 11 C.F.R. §§ 111.43(d)(1) and (e)(1).

On April 5, 2019, the Commission found reason to believe ("RTB") that the respondents violated 52 U.S.C. § 30104(a) for failing to timely file the 2018 Year-End Report and made a preliminary determination that the civil money penalty was \$182 based on the schedule of penalties at 11 C.F.R. § 111.43. A letter was mailed to the respondents' address of record from the Reports Analysis Division ("RAD") on April 8, 2019 to notify them of the Commission's RTB finding and civil money penalty.

Legal Requirements

The Federal Election Campaign Act ("Act") states that the treasurer of a political committee not authorized by a candidate which is filing on a quarterly basis shall file a report for the final calendar quarter of the year by January 31 of the following calendar year. 52 U.S.C. § 30104(a)(4)(A)(i) and 11 C.F.R. § 104.5(c)(1)(i). Reports sent by first class mail must be received by the close of business on the filing date to be timely filed. If the report is sent by registered or certified mail, by Express or Priority Mail with delivery confirmation or by overnight delivery service with an online tracking system, and scheduled for next business day delivery, it must be postmarked, or deposited with the mailing service, no later than the filing date to be timely filed. 52 U.S.C. § 30104(a)(5), and 11 C.F.R. §§ 100.19 and 104.5(e). The treasurer shall be personally responsible for the timely filing of reports. 11 C.F.R. § 104.14(d).

Summary of Respondents' Challenge

On April 15, 2019, the Commission received the written response ("challenge") from the respondents. They explain that the partial government shutdown prevented FedEx from timely delivering their 2018 Year-End Report. The respondents state that FedEx first attempted to deliver the report to the Commission on January 21, 2019. After multiple unsuccessful attempts to deliver the package, FedEx returned the package to the Committee. The Committee resent the report to the Commission on February 4, 2019. The challenge includes supporting FedEx tracking information.

Analysis

The Reviewing Officer confirms that the Commission was unable to accept FedEx deliveries during the partial government shutdown of December 22, 2018 through January 25, 2019. The supporting documentation provided by the respondents indicates the 2018 Year-End Report was scheduled to be delivered to the Commission on January 21, 2019. The Reviewing Officer recognizes that the Committee's 2018 Year-End Report would have been received prior to the January 31, 2019 deadline had the partial government shutdown not occurred. Therefore, the Reviewing Officer recommends that the Commission terminate the proceedings in accordance with 11 C.F.R. § 111.37(b) and close the file.

OAR Recommendations

- 1) Terminate the proceedings in AF# 3664 that American Academy of Emergency Medicine Political Action Committee AAEM PAC and Dr. William T. Durkin, Jr., in his official capacity as Treasurer, violated 52 U.S.C. § 30104(a) and close the file; and
- 2) Send the appropriate letter.

Attachments

Attachment 1 –
Attachment 2 – Declaration from RAD
Attachment 3 – Declaration from OAR

DECLARATION OF KRISTIN D. ROSER

1. I am the Chief of the Compliance Branch for the Reports Analysis Division of the Federal Election Commission ("Commission"). In my capacity as Chief of the Compliance Branch, I oversee the initial processing of the Administrative Fine Program. I make this declaration based on my personal knowledge and, if called upon as a witness, could and would testify competently to the following matters.
2. It is the practice of the Reports Analysis Division to document all calls to or from committees regarding a letter they receive or any questions relating to the FECFile software or administrative fine regulations, including due dates of reports and filing requirements.
3. I hereby certify that documents identified herein are true and accurate copies of the following sent by the Commission to American Academy of Emergency Medicine Political Action Committee AAEM PAC:
 - A) Reason-to-Believe Letter, dated April 8, 2019, referencing the 2018 Year-End Report (sent via overnight mail to the address of record).
4. I hereby certify that I have searched the Commission's public records and find that American Academy of Emergency Medicine Political Action Committee AAEM PAC filed a 2018 Year-End Report with the Commission on February 6, 2019.
5. Pursuant to 28 U.S.C. 1746, I declare under penalty of perjury that the foregoing is true and correct and that all relevant telecoms for the matter have been provided. This declaration was executed at Washington, D.C. on the 10th day of May, 2019.

Ben Holly for KDR

Kristin D. Roser
Chief, Compliance Branch
Reports Analysis Division
Federal Election Commission

DECLARATION OF RHIANNON MAGRUDER

- 1) I am the Reviewing Officer in the Office of Administrative Review for the Federal Election Commission ("Commission"). In my capacity as Reviewing Officer, I conduct research with respect to all challenges submitted in accordance with the Administrative Fine program.
- 2) A committee not authorized by a candidate shall file a quarterly report covering the final quarter of the calendar year no later than January 31 of the following calendar year. If the report is sent by registered or certified mail, by Express or Priority Mail with delivery confirmation or by overnight delivery service with an online tracking system, and scheduled for next business day delivery, it must be postmarked, or deposited with the mailing service, no later than January 31, 2019 to be timely filed.
- 3) I hereby certify that I have searched the Commission's public records and that the documents identified herein are the true and accurate copies of:
 - a) Cover Page, Summary Page, and Detailed Summary Pages of the 2018 Year-End Report filed by American Academy of Emergency Medicine Political Action Committee AAEM PAC and Dr. William T. Durkin, Jr., in his official capacity as Treasurer, and received on February 6, 2019.
- 4) Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed at Washington, D.C. on the 12th day of June, 2019.

Rhiannon Magruder
Rhiannon Magruder
Reviewing Officer
Office of Administrative Review
Federal Election Commission

FEC
FORM 3XREPORT OF RECEIPTS
AND DISBURSEMENTS
For Other Than An Authorized CommitteeRECEIVED
FEC MAIL CENTER

2019 FEB -6 AM 10:33

1. NAME OF COMMITTEE (in full) TYPE OR PRINT ▼ Example: If typing, type over the lines.

12FE4M5

AMERICAN ACADEMY OF EMERGENCY MEDICINE POLITICAL ACTION COMMITTEE AAEM PAC

ADDRESS (number and street)

555 East Wells Street, Suite 1100

Check if different
than previously
reported. (ACC)

Milwaukee

WI

53202-3823

2. FEC IDENTIFICATION NUMBER ▼

CITY ▲

STATE ▲

ZIP CODE ▲

C 000324780

3. IS THIS
REPORTNEW
(N)

OR

AMENDED
(A)4. TYPE OF REPORT
(Choose One)

(a) Quarterly Reports:

- ☐ April 15
Quarterly Report (Q1)
- ☐ July 15
Quarterly Report (Q2)
- ☐ October 15
Quarterly Report (Q3)
- ☒ January 31
Year-End Report (YE)
- ☐ July 31 Mid-Year
Report (Non-election
Year Only) (MY)
- ☐ Termination Report
(TER)

(b) Monthly
Report
Due On:

- ☐ Feb 20 (M2) ☐ May 20 (M5) ☐ Aug 20 (M8) ☐ Nov 20 (M11)
(Non-Election
Year Only)
- ☐ Mar 20 (M3) ☐ Jun 20 (M6) ☐ Sep 20 (M9) ☐ Dec 20 (M12)
(Non-Election
Year Only)
- ☐ Apr 20 (M4) ☐ Jul 20 (M7) ☐ Oct 20 (M10) ☐ Jan 31 (YE)

(c) 12-Day
PRE-Election
Report for the:

- ☐ Primary (12P) ☐ General (12G) ☐ Runoff (12R)
- ☐ Convention (12C) ☐ Special (12S)

Election on

in the
State of(d) 30-Day
POST-Election
Report for the:

- ☐ General (30G) ☐ Runoff (30R) ☐ Special (30S)

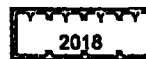
Election on

in the
State of

5. Covering Period



through



I certify that I have examined this Report and to the best of my knowledge and belief it is true, correct and complete.

Durkin, William, T., Dr.,

Type or Print Name of Treasurer

Signature of Treasurer

Durkin, William, T., Dr.,

Date



NOTE: Submission of false, erroneous, or incomplete information may subject the person signing this Report to the penalties of 52 U.S.C. § 30109.

Office
Use
OnlyFEC FORM 3X
Rev. 05/2016

**SUMMARY PAGE
OF RECEIPTS AND DISBURSEMENTS**

FEC Form 3X (Rev. 05/2016)

Page 2

Write or Type Committee Name

AMERICAN ACADEMY OF EMERGENCY MEDICINE POLITICAL ACTION COMMITTEE AAEM PAC

Report Covering the Period:

From:

11

27

2018

To:

12

31

2018

**COLUMN A
This Period**

**COLUMN B
Calendar Year-to-Date**

6. (a) Cash on Hand January 1, 2018		297308.67
(b) Cash on Hand at Beginning of Reporting Period.....	312327.55	
(c) Total Receipts (from Line 19).....	10921.57	36023.81
(d) Subtotal (add Lines 6(b) and 6(c) for Column A and Lines 6(a) and 6(c) for Column B).....	323249.12	333332.48
7. Total Disbursements (from Line 31).....	0.00	10083.36
8. Cash on Hand at Close of Reporting Period (subtract Line 7 from Line 6(d)).....	323249.12	323249.12
9. Debts and Obligations Owed TO the Committee (Itemize all on Schedule C and/or Schedule D).....	0.00	
10. Debts and Obligations Owed BY the Committee (Itemize all on Schedule C and/or Schedule D).....	0.00	



This committee has qualified as a multicandidate committee. (see FEC FORM 1M)

For further information contact:

Federal Election Commission
999 E Street, NW
Washington, DC 20463

Toll Free 800-424-9530
Local 202-694-1100

DETAILED SUMMARY PAGE of Disbursements

FEC Form 3X (Rev. 05/2016)

Page 5

III. Net Contributions/ Operating Expenditures	COLUMN A Total This Period	COLUMN B Calendar Year-to-Date
33. Total Contributions (other than loans) (from Line 11(d), page 3)	10680.00	34819.00
34. Total Contribution Refunds (from Line 28(d))	0.00	0.00
35. Net Contributions (other than loans) (subtract Line 34 from Line 33)	10680.00	34819.00
36. Total Federal Operating Expenditures (add Line 21(a)(i) and Line 21(b))	0.00	83.36
37. Offsets to Operating Expenditures (from Line 15, page 3)	0.00	0.00
38. Net Operating Expenditures (subtract Line 37 from Line 36)	0.00	83.36

NON-CONFIDENTIAL



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

June 12, 2019

William T. Durkin, Jr., in official capacity as Treasurer
American Academy of Emergency Medicine Political Action Committee AAEM PAC
555 East Wells Street, Suite 1100
Milwaukee, WI 53202

C00324780
AF#: 3664

Dear Mr. Durkin:

On April 5, 2019, the Federal Election Commission ("Commission") found reason to believe ("RTB") that American Academy of Emergency Medicine Political Action Committee AAEM PAC and you, in your official capacity as Treasurer ("respondents"), violated 52 U.S.C. § 30104(a) for failing to timely file the 2018 Year-End Report. The Commission also made a preliminary determination that the civil money penalty was \$182 based on the schedule of penalties at 11 C.F.R. § 111.43.

After reviewing your written response and any supplemental information submitted by you and Commission staff, the Reviewing Officer has recommended that the Commission terminate the proceedings in accordance with 11 C.F.R. § 111.37(b) and close the file. A copy of the Reviewing Officer's recommendation is attached.

You may file with the Commission Secretary a written response to the recommendation within 10 days of the date of this letter. Your written response should be sent to the Commission Secretary, 1050 First Street, NE, Washington, DC 20463 or via facsimile (202-208-3333). Please include the AF # in your response. Your response may not raise any arguments not raised in your original written response or not directly responsive to the Reviewing Officer's recommendation. 11 C.F.R. § 111.36(f). The Commission will then make a final determination in this matter.

Please contact me at the toll free number 800-424-9530 (press 0, then press 1660) or 202-694-1158 if you have any questions.

Sincerely,

Rhiannon Magruder
Reviewing Officer
Office of Administrative Review



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

2019 JUL -2 AM 9:40

July 2, 2019

SENSITIVE

MEMORANDUM

To: The Commission

Through: Alec Palmer *AP by NAAH*
Staff Director

From: Patricia C. Orrock *PCO*
Chief Compliance Officer

Rhiannon Magruder *RM*
Reviewing Officer
Office of Administrative Review

Subject: Final Determination Recommendation in AF# 3664 – American Academy of
Emergency Medicine Political Action Committee AAEM PAC and Dr. William
T. Durkin, Jr., in his official capacity as Treasurer (C00324780)

On April 5, 2019, the Commission found reason to believe ("RTB") that the respondents violated 52 U.S.C. § 30104(a) for failing to timely file the 2018 Year-End Report and made a preliminary determination that the civil money penalty was \$182 based on the schedule of penalties at 11 C.F.R. § 111.43.

On April 15, 2019, the Commission received their written response ("challenge"). After reviewing the challenge, the Reviewing Officer Recommendation ("ROR") dated June 12, 2019 was forwarded to the Commission, a copy was forwarded to the respondents, and is hereby incorporated by reference. The Reviewing Officer recommended that the Commission terminate the proceedings in accordance with 11 C.F.R. § 111.37(b) and close the file.

Within 10 days of transmittal of the recommendation, the respondents may file a written response with the Commission Secretary which may not raise any arguments not raised in their challenge or not directly responsive to the ROR. 11 C.F.R. § 111.36(f). To date, a response has not been received.

100000000

- 1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69
70
71
72
73
74
75
76
77
78
79
80
81
82
83
84
85
86
87
88
89
90
91
92
93
94
95
96
97
98
99
100
101
102
103
104
105
106
107
108
109
110
111
112
113
114
115
116
117
118
119
120
121
122
123
124
125
126
127
128
129
130
131
132
133
134
135
136
137
138
139
140
141
142
143
144
145
146
147
148
149
150
151
152
153
154
155
156
157
158
159
160
161
162
163
164
165
166
167
168
169
170
171
172
173
174
175
176
177
178
179
180
181
182
183
184
185
186
187
188
189
190
191
192
193
194
195
196
197
198
199
200
201
202
203
204
205
206
207
208
209
210
211
212
213
214
215
216
217
218
219
220
221
222
223
224
225
226
227
228
229
230
231
232
233
234
235
236
237
238
239
240
241
242
243
244
245
246
247
248
249
250
251
252
253
254
255
256
257
258
259
260
261
262
263
264
265
266
267
268
269
270
271
272
273
274
275
276
277
278
279
280
281
282
283
284
285
286
287
288
289
290
291
292
293
294
295
296
297
298
299
300
301
302
303
304
305
306
307
308
309
310
311
312
313
314
315
316
317
318
319
320
321
322
323
324
325
326
327
328
329
330
331
332
333
334
335
336
337
338
339
340
341
342
343
344
345
346
347
348
349
350
351
352
353
354
355
356
357
358
359
360
361
362
363
364
365
366
367
368
369
370
371
372
373
374
375
376
377
378
379
380
381
382
383
384
385
386
387
388
389
390
391
392
393
394
395
396
397
398
399
400
401
402
403
404
405
406
407
408
409
410
411
412
413
414
415
416
417
418
419
420
421
422
423
424
425
426
427
428
429
430
431
432
433
434
435
436
437
438
439
440
441
442
443
444
445
446
447
448
449
450
451
452
453
454
455
456
457
458
459
460
461
462
463
464
465
466
467
468
469
470
471
472
473
474
475
476
477
478
479
480
481
482
483
484
485
486
487
488
489
490
491
492
493
494
495
496
497
498
499
500
501
502
503
504
505
506
507
508
509
510
511
512
513
514
515
516
517
518
519
520
521
522
523
524
525
526
527
528
529
530
531
532
533
534
535
536
537
538
539
540
541
542
543
544
545
546
547
548
549
550
551
552
553
554
555
556
557
558
559
560
561
562
563
564
565
566
567
568
569
570
571
572
573
574
575
576
577
578
579
580
581
582
583
584
585
586
587
588
589
590
591
592
593
594
595
596
597
598
599
600
601
602
603
604
605
606
607
608
609
610
611
612
613
614
615
616
617
618
619
620
621
622
623
624
625
626
627
628
629
630
631
632
633
634
635
636
637
638
639
640
641
642
643
644
645
646
647
648
649
650
651
652
653
654
655
656
657
658
659
660
661
662
663
664
665
666
667
668
669
670
671
672
673
674
675
676
677
678
679
680
681
682
683
684
685
686
687
688
689
690
691
692
693
694
695
696
697
698
699
700
701
702
703
704
705
706
707
708
709
710
711
712
713
714
715
716
717
718
719
720
721
722
723
724
725
726
727
728
729
730
731
732
733
734
735
736
737
738
739
740
741
742
743
744
745
746
747
748
749
750
751
752
753
754
755
756
757
758
759
760
761
762
763
764
765
766
767
768
769
770
771
772
773
774
775
776
777
778
779
780
781
782
783
784
785
786
787
788
789
790
791
792
793
794
795
796
797
798
799
800
801
802
803
804
805
806
807
808
809
810
811
812
813
814
815
816
817
818
819
820
821
822
823
824
825
826
827
828
829
830
831
832
833
834
835
836
837
838
839
840
84

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
) AF 3664
Final Determination Recommendation:)
American Academy of Emergency)
Medicine Political Action Committee)
AAEM PAC and Dr. William T. Durkin,)
Jr., in his official capacity as Treasurer)
(C00324780))

CERTIFICATION

I, Laura E. Sinram, Acting Secretary and Clerk of the Federal Election Commission, do hereby certify that on July 17, 2019, the Commission decided by a vote of 4-0 to take the following actions in AF 3664:

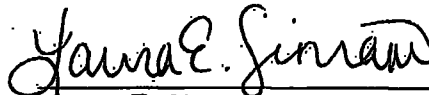
1. Terminate the proceedings in AF# 3664 that American Academy of Emergency Medicine Political Action Committee AAEM PAC and Dr. William T. Durkin, Jr., in his official capacity as Treasurer, violated 52 U.S.C. § 30104(a) and close the file.
2. Send the appropriate letter.

Commissioners Hunter, Petersen, Walther, and Weintraub voted affirmatively for the decision

Attest:

7/18/19

Date



Laura E. Sinram
Acting Secretary and Clerk of the
Commission



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

July 23, 2019

William T. Durkin, Jr., in official capacity as Treasurer
American Academy of Emergency Medicine Political Action Committee AAEM PAC
555 East Wells Street, Suite 1100
Milwaukee, WI 53202

C00324780

AF#: 3664

Dear Mr. Durkin:

On April 5, 2019, the Federal Election Commission ("the Commission") found reason to believe ("RTB") that American Academy of Emergency Medicine Political Action Committee AAEM PAC and you, in your official capacity as Treasurer, violated 52 U.S.C. § 30104(a) for failing to file the 2018 Year-End Report. By letter dated April 8, 2019, the Commission sent notification of the RTB finding that included a civil money penalty calculated at RTB of \$182 in accordance with the schedule of penalties at 11 C.F.R. § 111.43. On April 15, 2019, the Office of Administrative Review received your written response challenging the RTB finding.

The Reviewing Officer reviewed the Commission's RTB finding with its supporting documentation and your written response. Based on this review, the Reviewing Officer recommended that the Commission terminate the proceedings in accordance with 11 C.F.R. § 111.37(b) and close the file. The Reviewing Officer Recommendation was sent to you on June 12, 2019.

On July 17, 2019, the Commission adopted the Reviewing Officer's recommendation, and voted to terminate the proceedings with respect to 52 U.S.C. § 30104(a) and close the file. A copy of the Final Determination Recommendation is attached.

The confidentiality provisions at 52 U.S.C. § 30109(a)(12) no longer apply and this matter is now public. Pursuant to 11 C.F.R. §§ 111.42(b) and 111.20(c), the file will be placed on the public record within 30 days from the date of this notification.

CONFIDENTIAL

Ellen L. Weintraub

Attachment

